UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,829	12/15/2004	Jun Aoki	Q80294	8726

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EXAMINER
AHMED, MASUD

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 December 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-51_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-51_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _15 December 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _12/15/04_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

The Information Disclosure Statement submitted by the applicant on 12/15/2004 has not

been considered by the examiner. IDS contains the reference numbers for the foreign

reference, however no actual reference documents were received by the USPTO,

Further, an international search report also was submitted on the same date having the

numbers lists of foreign reference but no written report.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 49 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Applicant claiming a computer program in the

preamble of the claim is non-statutory because the descriptions of the programs are not

physical things; therefore do not define any structural and functional interrelationships

between the computer program and other claimed elements. A computer program claim

must be recited as for example, a computer readable storage medium containing an

executable program and then further recite the structural elements. A program itself

simply falls under a signal which is not a statutory subject matter. See MPEP 2106.01

Appropriate correction is respectfully requested.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-9, 11-46 and 48-51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Katsuhiro (JP 10-099541).

Regarding claim 1, Katsuhiro teaches a method and system for a game machine

having stage storage means for storing a plurality of stages and providing a game

comprising said plurality of stages to a player, and characterized in that the game

machine comprises (para 0006):

model time storage means for storing model times as standard times required to clear

each of said stages (0008);

desired time setting means for setting a desired time at which the player wants to play

the game (para 0012); and

stage selecting means for selecting one or more stages such that the total of the model

times of said one or more stages stored in said model time storage means is closest to

the desired time set by said desired time setting means, wherein

the game comprising said one or more stages selected by said stage selecting means is

provided to the player (para 0034). Katsuhiro's teaches if the player desire to play for 15

minutes, then the game program compares the desired time to actual stage time of the

playing time, here for instance lap time for the car race is used to determine how many

laps a player can get within 15 minutes, examiner strongly believes that this teaching is

an obvious variant of applicant's claim selecting game stage closest to the desired time

set by the player. Therefore it would have been obvious to ordinary skilled artisan

without a doubt to prioritize the game stage according to the desired time by the player

so the game can be completed within player's available time.

Regarding claims 11, 19, 27, 36 and 48-51, the discussion of claim 1 above covers all

the claimed limitations.

Regarding claims 2, 12, 20, 28 and 37, Katsuhiro further teaches stage selecting

means assigns a flag showing importance to each stage and preferentially selects one

or more stages of higher importance (para 0047), Katsuhiro discloses a quiz game

different part of the game prioritize by the difficulty level and given to the players in a

way so the player can finish certain level within their desired time.

Regarding claims 3, 13, 21, 29 and 38, Katsuhiro further teaches game stage is saved

or stored upon intrusion or upon the timeframe deadline (para 0041-0043), Katsuhiro

discloses if a player playing a game within their desired time frame, but the time is

running out without game being finished, at this point players are given an option to

save the game stage, then continue on the game next time they log on from the saved

ending point of the game.

Regarding claims 4, , In the above discussion of claim 3 where Katsuhiro discloses

saving the game before the desired time ends, therefore saving the play history of the

game and continue on by inserting the saved game stage when player re-log on the

game.

Regarding claims 5, 14, 22, 30, Katsuhiro teaches desired time settings can be

performed by the player before the game and during the game play (para 0026-0027).

Regarding claims 6, 15, 23, 31 and 41, Katsuhiro teaches when the game stage is

completed within the desired time of the player, the remaining time is re-computed for

further game stage for advancing (para 0027), which is considered to be the judging

means of the program further decides based on the players performance and the

completion of the game stage within the given time.

Regarding claims 7, 16, 24, 32, Katsuhiro further discloses to determine the actual

model time for the game stage, or in this case actual lap time for the car racing game,

the ranking or the ratio of the players are taken into consideration, based on the players

ranking or player's performance a better lap time is determined for the players either by

adding or omitting time from the model time (para 0037).

Regarding claims 8, 17, 25, 33 and 45, in the discussion of claim 7 above, it is

understood that player would realize the changes to the model stage time based on

rankings, therefore notified.

Regarding claims 9, 18, 26, 34 and 46, Katsuhiro further teaches by displaying various

player rankings and best lap time for the car racing, players can select the best lap time

for the corresponding race car as desired (para 0037).

Regarding claims 39-40, Katsuhiro further teaches game stage is saved or stored

upon intrusion or upon the timeframe deadline (para 0041-0043), Katsuhiro discloses if

a player playing a game within their desired time frame, but the time is running out

without game being finished, at this point players are given an option to save the game

stage, then continue on the game next time they log on from the saved ending point of

the game, therefore saving the play history of the game and continue on by inserting the

saved game stage when player re-log on the game.

Regarding claims 42-44, Katsuhiro teaches when the game stage is completed within

the desired time of the player, the remaining time is re-computed for further game stage

for advancing (para 0027), which is considered to be the judging means of the program

further decides based on the players performance and the completion of the game

stage within the given time. Katsuhiro further discloses to determine the actual model

time for the game stage, or in this case actual lap time for the car racing game, the

ranking or the ratio of the players are taken into consideration, based on the players

ranking or player's performance a better lap time is determined for the players either by

adding or omitting time from the model time (para 0037).

3.   **Claims 10 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Katsuhiro (JP 10-099541), in view of Tadahiko et al (JP 2000-116943).

Regarding claims 10 and 47, Katsuhiro teaches a method and system for a game

machine having stage storage means for storing a plurality of stages and providing a

game comprising said plurality of stages to a player, and characterized in that the game

machine comprises (para 0006):

model time storage means for storing model times as standard times required to clear

each of said stages (0008);

desired time setting means for setting a desired time at which the player wants to play

the game (para 0012); and

stage selecting means for selecting one or more stages such that the total of the model

times of said one or more stages stored in said model time storage means is closest to

the desired time set by said desired time setting means, wherein

the game comprising said one or more stages selected by said stage selecting means is

provided to the player (para 0034). Katsuhiro's teaches if the player desire to play for 15

minutes, then the game program compares the desired time to actual stage time of the

playing time, here for instance lap time for the car race is used to determine how many

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set by the player. Therefore it would have been obvious to ordinary skilled artisan

without a doubt to prioritize the game stage according to the desired time by the player

so the game can be completed within player's available time. Katsuhiro teaches when

the game stage is completed within the desired time of the player, the remaining time is

re-computed for further game stage for advancing (para 0027), which is considered to

be the judging means of the program further decides based on the players performance

and the completion of the game stage within the given time.

However Katsuhiro is silent on disclosing a fee to be charged to the player upon selecting the desired time to play. It is very well known in the art that players pay a fee to play an arcade or to play game online. Tadahiko teaches a game system where players are required to pay a fee before the selection of desired play time (para 0011), therefore it would have been obvious to ordinary skilled artisan at the time of invention to modify Katsuhiro's networked based game system to charge a fee to the players in exchange to provide them with various game play options such as desired time of play and desired game stage.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 10:00am-7:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./
Examiner, Art Unit 3714

/Peter DungBa Vo/

Supervisory Patent Examiner, Art Unit 3714